

HOUSE BILL 1165

By Harris

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to African-American history.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 11, is amended by adding the following as a new part:

4-11-501.

(a) There is hereby created the position of state historian for African-American history.

(b) The governor shall appoint a person qualified by experience and training to this position.

(c) The term of office of the historian is for four (4) years from the date of the historian's appointment and until the historian's successor is appointed and qualified.

(d) The governor shall appoint persons to the position as terms expire.

(e) The department of finance and administration shall furnish the state historian for African-American history suitable office space in a state office building.

(f) The office of state historian for African-American history is honorary, and the incumbent receives no compensation therefor, except that the incumbent is reimbursed for necessary travel expenses incurred while in the performance of official duties, which must be certified to and paid in the manner prescribed for other state officials.

(g) It is the state historian's duty to prepare for publication and to disseminate historical data upon Tennessee African-American history, present and past, and to conduct such negotiations for the publication thereof in book form as may be deemed

proper. However, no publication in book form shall be made without proper authorization from the governor.

4-11-502.

(a) There is hereby created the Tennessee African-American historical commission, referred to herein as the "commission," to be composed of twelve (12) members as follows:

(1) One (1) person appointed from each of the three (3) grand divisions of the state and one (1) at-large member, appointed by the speaker of the senate;

(2) One (1) person appointed from each of the three (3) grand divisions of the state and one (1) at-large member, appointed by the speaker of the house of representatives; and

(3) One (1) person appointed from each of the three (3) grand divisions of the state and one (1) at-large member, appointed by the governor.

(b)

(1) The commission shall appoint a state historical director, who serves at its pleasure and is a person qualified by training and experience to perform the duties of the office.

(2) At least three (3) persons serving on the commission must have an academic background in African-American history or historic preservation, or both, preferably a master's degree.

(c) Except as provided in subsection (d) for initial appointments, the terms of the members of the commission are for five (5) years.

(d)

(1) In order to stagger the terms of the newly appointed commission members, initial appointments must be made as follows:

(A) The persons appointed as at-large members under subdivisions (a)(1)-(3) serve an initial term of one (1) year, which expires on June 30, 2022;

(B) The persons appointed from the eastern grand division under subdivision (a)(1), the middle grand division under subdivision (a)(2), and the western grand division under subdivision (a)(3) serve an initial term of two (2) years, which expires on June 30, 2023;

(C) The persons appointed from the middle grand division under subdivision (a)(1), the western grand division under subdivision (a)(2), and the eastern grand division under subdivision (a)(3) serve an initial term of three (3) years, which expires on June 30, 2024; and

(D) The persons appointed from the western grand division under subdivision (a)(1), the eastern grand division under subdivision (a)(2), and the middle grand division under subdivision (a)(3) serve an initial term of four (4) years, which expires on June 30, 2025.

(2) Following the expiration of members' initial terms as prescribed in subdivision (d)(1), all five-year terms begin on July 1 and terminate on June 30, five (5) years later.

(e) In the event of a death or resignation of any appointed member of the commission, the vacancy must be filled in the same manner as the original appointment was made.

(f) All members of the commission may be paid necessary expenses while engaged in the work of the commission. All reimbursement for travel expenses must be

in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-11-503.

(a) The commission shall adopt rules for the transaction of business and shall keep a record of its proceedings.

(b) It shall:

(1) Prepare reports of its operation as may be required by the governor or the general assembly;

(2) Administer funds made available from public sources for historical purposes;

(3) Submit a budget consistent with its program; and

(4) Operate its program within the financial resources available.

(c) The commission shall exercise administrative supervision over all funds appropriated for the purposes of this part, and no allotment of funds may be made without the review of the commission.

(d) The commission shall require proper financial and accounting statements from all recipients of funds authorized under this part on or before June 30 of each year, and all recipients shall comply with the standard operating procedures of the commission.

4-11-504. The commission shall develop criteria for the evaluation of state African-American historic sites and all related real and personal property that may be of such importance as would justify acquisition and ownership by this state, and it shall also develop criteria for evaluation of such properties owned by agencies other than this state for which state aid is requested.

4-11-505.

(a) To effectively carry out its program, the commission may create such positions and employ such personnel as are deemed necessary to conduct its affairs in accordance with the law and rules applicable to employees in the unclassified state service.

(b) All reimbursement for travel expenses incurred by such persons must be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-11-506.

(a) The commission may establish and appoint one (1) or more advisory boards or advisory committees to assist the commission in the performance of its duties.

(b) The commission may, out of any funds appropriated to the commission, pay the actual expenses of such board or committee members incurred while on official business.

(c) All reimbursement for travel expenses incurred by committee members must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-11-507.

The commission may accept gifts, bequests, and endowments from any private source, and may acquire real and personal properties that have statewide historical or archaeological significance by gift, purchase, devise, or bequest, the title thereto to vest in the state.

4-11-508.

(a) Notwithstanding § 4-4-412 or any law to the contrary, African-American historical properties owned by this state must be placed under the authority of the commission, which may in its discretion make a contract for the administration, development, or operation of such property with a county, municipality, or agency within this state; a nonprofit corporation or organization; or with a private individual, partnership, corporation, or association. Such contract is subject to periodic review.

(b) All contracts made by the commission are subject to the requirements of the public purchasing law, compiled at title 12, chapter 3.

(c) The commission shall determine criteria for the approval of such properties for state aid, and shall make reasonable rules for the regulation of use by the public of such historical properties under its charge, including the establishment of admission fees to be charged the public.

4-11-509.

(a) A state, county, town, or other public official in custody of public documents may, in the official's discretion, give the commission official books, documents, records, official papers, newspaper files, printed books, or portraits not in current use in the public official's office, and the commission shall provide for their permanent preservation.

(b) Copies of the items listed in subsection (a) must be made and certified under seal, upon application of a person. The certificate is effective as if made by the officer originally in charge of such items, and the commission shall charge for such copies the same fees as that officer is allowed under state law.

4-11-510.

For carrying out the purposes of this part, the sum of ten thousand dollars (\$10,000), or so much thereof as may be needed, over and above all the funds derived from the sale of the publications and all of the fees collected under § 4-11-509, is

annually or continuously appropriated, and, upon order of the commission, the commissioner of finance and administration is empowered and directed to draw the commissioner's warrant for the sum from the state treasury.

4-11-511.

(a) All state agencies and institutions of higher education and other state entities that have control of state property shall consult the commission prior to demolishing, altering, or transferring property that is or may be of historical, architectural, or cultural significance to African Americans. Such agencies, institutions, and entities shall seek the advice of the commission on possible alternatives to the demolition, alteration, or transfer of such property.

(b) The commission shall make staff available to assist agencies, institutions, and entities in determining if property is or may be of such historical, architectural, or cultural significance.

(c) The commission shall have thirty (30) working days to review and comment on plans to demolish, alter, or transfer state property that is or may be of historical, architectural, or cultural significance prior to approval of such action by the state building commission. Such comments must be in writing and filed with the proposing agency or entity and the state building commission.

(d) The standard of review by the historical commission must be the secretary of the interior's standard of rehabilitation or other criteria adopted in accordance with the Uniform Administrative Procedures Act, compiled in chapter 5 of this title.

(e) The state building commission shall consider the comments of the commission prior to approving or disapproving plans to demolish, alter, or transfer state property that is or may be of historical, architectural, or cultural significance.

(f) Nothing contained in this section may be construed as further extending the jurisdiction of the state building commission over transactions involving department of transportation projects. When the department is the proposing agency, the commissioner of transportation must consider the comments of the commission prior to demolishing, altering, or transferring state property that is of historical, architectural, or cultural significance.

4-11-512.

(a) There is hereby created a special agency account in the state general fund known as the African-American historic property land acquisition fund. Expenditures from the fund must only be made to implement and carry out the purposes set forth in subsection (b). Funds deposited into the fund do not revert at the end of any fiscal year, and all interest accruing on investments and deposits of the fund not otherwise expended must be returned to and made a part of the fund.

(b) The commission shall expend the funds that are deposited in the African-American historic property land acquisition fund only for the acquisition of land for an area designated as an historic place as evidenced by its inclusion on the national register of historic places or the Tennessee register of historic places, or any other area of historic significance to African Americans as approved by majority vote of the commission, and for the acquisition of easements to protect the historic areas. The funds may also be used for capital projects, including improvements and maintenance, of properties previously acquired, and for capital grants to other African-American historic properties not owned or operated by the state.

(c) No funds deposited in the African-American historic property land acquisition fund may be obligated or expended to acquire any interest in real property through condemnation or the power of eminent domain.

4-11-513. The commission shall also collaborate with the state textbook and instructional materials quality commission to develop and recommend curriculum that incorporates the achievements made by African Americans in this state and the United States.

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following new subdivision:

Tennessee African-American historical commission, created by § 4-11-502;

SECTION 3. For the purpose of making appointments, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.